

AN ORDINANCE **9 8 8 0 3**

APPROVING THE RENEWAL AND EXTENSION OF A LICENSE AGREEMENT WITH THE NIX HEALTH CARE SYSTEM FOR A PERIOD OF FIVE (5) YEARS FOR THE USE OF 400 PARKING SPACES AT THE MID-CITY PARKING GARAGE, FOR A FIRST YEAR MONTHLY LICENSE FEE OF \$67.00 FOR EACH OF THE ABOVE GROUND SPACES AND \$88.00 FOR EACH BASEMENT LEVEL SPACE, SUBJECT TO ANNUAL INCREASES.

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WHEREAS, the City entered into a 5-year License Agreement with the Nix Health Care System to use 400 parking spaces in the Mid-City Parking Garage, as approved by Ordinance No. 87741 on April 30, 1998 and Nix requested renewal of the License Agreement for an additional 5-year period, as provided in the License Agreement, subject to City Council approval, and Staff recommends approval of such renewal; **NOW THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The Renewal and Extension of License Agreement with Nix Health Care System for use of 400 parking spaces at the Mid-City Parking Garage for 5 years expiring April 30, 2008, at a first year monthly License Fee of \$67.00 for each above ground space and \$88.00 for each basement level space, subject to annual increases is approved. The City Manager or her designee is hereby authorized to take any steps necessary to implement this ordinance. A copy of the Renewal and Extension of License Agreement, executed on behalf of Nix, is attached hereto and incorporated herein verbatim for all purposes as **Attachment I**.

SECTION 2. Revenue collected from this License Agreement will be deposited into Fund 53-004, entitled "Parking Fund", Index Code 045013, entitled, "Mid-City Garage: Monthly Nix Hospital."

SECTION 3. Financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio, who may, subject to concurrence by the City Manager or City Manager's designee, correct allocation to specific index codes and fund numbers as necessary to carry out the purpose of this Ordinance.

SECTION 4. The City has been advised by its outside bond counsel relating to its parking system that entering into the Renewal and Extension of License Agreement may require the City to defease and/or refinance a portion of the City's outstanding tax-exempt parking revenue bonds and general obligation indebtedness with taxable obligations in accordance with the federal tax covenants in the respective ordinances that authorized the issuance of the obligations whose proceeds have been utilized to fund construction and improvements to the City's parking

facilities. Based on the advice of bond counsel, the City will take any action that may be required to comply with the aforementioned federal tax covenants within 90 days of this ordinance. Such action will provide the City with additional flexibility to enter into parking contracts.

SECTION 5. This ordinance shall be effective on the 22nd day of February, 2004.

PASSED AND APPROVED this 12th day of February, 2004.



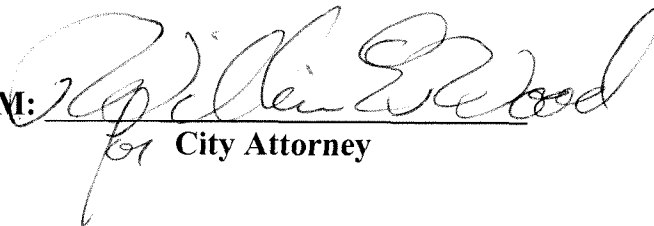
M A Y O R

EDWARD D. GARZA

ATTEST:


CITY CLERK

APPROVED AS TO FORM:


for City Attorney